

REMARKS

I. OBJECTIONS TO THE SPECIFICATION AND THE DRAWINGS

Objection Under 35 U.S.C. § 132(a)

The Office requires cancellation of the statement, “each of which is hereby incorporated by reference”.

In response, Applicants delete the statement “each of which is hereby incorporated by reference”. Reconsideration and withdrawal of this objection are therefore respectfully requested.

Objection to format for referencing a sequence identifier

The Office objects to the format for referencing sequence identifiers.

In response, Applicants make the appropriate corrections to the sequence identifiers in the specification and the sequence listing, pursuant to 37 CFR 1.821, and the corrections are included in the substitute specification and the accompanying clean version of the specification. Reconsideration and withdrawal of this objection are therefore respectfully requested.

Objections to the drawings

The Office objects to the drawings (1) for having tables contained in the drawings and (2) for improper numbering of the drawings.

In response, Applicants make the appropriate corrections. The tables are relocated to the body of the specification, pursuant to 37 CFR 1.54. Numbering of the drawings is corrected pursuant of 37 CFR 1.84 and descriptions of the drawings are changed accordingly. Corrected drawing sheets, labeled as “Replacement Sheet”, pursuant to 37 CFR 1.121(d), are provided. Reconsideration and withdrawal of this objection are therefore respectfully requested.

II. OBJECTIONS TO THE CLAIMS

The Office objects to the format for referencing sequence identifiers in Claims 1, 3, 4, 5, 8, and 10.

In response, Applicants make the appropriate corrections to the sequence identifiers in the amended claims pursuant to 37 CFR 1.821. Reconsideration and withdrawal of this objection are therefore respectfully requested.

III. CLAIM REJECTIONS

35 U.S.C. 102(e) Rejection based on Ma et al.

The Office rejects claims 1-4 under 35 U.S.C. 102(e) as being anticipated by Ma et al. (US Pub 2003/0171253 A1), which discloses a nucleic acid molecule which is 100% identical to SEQ ID NO:47.

In response, Applicants respectfully point out that in the Response to Requirement for Restriction, filed 30 May 2008, Applicants elected Group I, claims 1-4 and 6-10, drawn to an isolated polynucleotide encoding a protein having the amino acid sequence of SEQ ID NO:46, without traverse. Polynucleotide sequence SEQ ID NO:45 comprises the polynucleotide encoding a protein having the amino acid sequence of SEQ ID NO:46. The claims are amended to specify an isolated polynucleotide encoding a protein having the amino acid sequence selected from the group consisting of SEQ ID NO:46 and polynucleotide consisting of a nucleic acid sequence selected from the group consisting of SEQ ID NO:45. Since Ma et al. do not teach SEQ ID NO:45 or SEQ ID NO:46, reconsideration and withdrawal of this rejection are respectfully requested.

35 U.S.C. 102(b) Rejection based on Strausberg et al.

The Office rejects claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Strausberg et al. (GENEMBL accession no. BC005546), which discloses a nucleic acid molecule which is 100% identical to SEQ ID NO:45.

In response, Applicants respectfully point out that the earliest publication of Strausberg et al. (GENEMBL accession no. BC005546) was an online publication on 11 December 2002. The present application is a national stage application of Patent Application No. PCT/EP03/11793, filed October 23, 2003, which application claims priority from Patent Application No. PCT/EP02/12273, filed October 31, 2002. Accordingly, Strausberg et al. is not a valid prior art reference with respect to this case. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

35 U.S.C. 103(a) Rejection based on Ma et al. or Strausberg et al.

The Office rejects claims 1-4 and 6-10 under 35 U.S.C. 103(a) as being unpatentable over Ma et al. or Strausberg et al.

In response, as noted above, the claims have been amended to specify SEQ ID NO:45 and SEQ ID NO:46. Ma et al. do not teach or suggest SEQ ID NO:45 or SEQ ID NO:46. In addition, as noted above, Strausberg et al. is not a valid prior art reference with respect to this case. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

IV. SUBSTITUTE SPECIFICATION

Applicants hereby declare that the attached substitute specification and the accompanying clean version of the specification include no new matter. 37 CFR 1.125.

V. CONCLUSION

Early consideration of these remarks and prompt allowance of the claims are respectfully requested.

Should it be necessary in connection with the filing of this paper, the Commissioner is hereby authorized to charge Deposit Account No 10-0750/PRD-2008-USPCT1/LAD for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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Attachments:

Substitute Specification (marked up)
Substitute Specification (clean)
Drawing Replacement Sheets